

Notice of Allowability

Application No.

09/809,543

Examiner

Rob Rhode

Applicant(s)

ABHYANKER, RAJ

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/12/2004.
2. ☒ The allowed claim(s) is/are 1-16 & 25-32.
3. ☒ The drawings filed on 24 March 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Amendment

Response, Appeal Brief, received on 11/12/2004 is acknowledges and entered.

Currently, claims 1 – 32 have been examined.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Lyren on January 5, 2005.

The application has been amended as follows:

In the specification

At Page 18, line 4; please insert for the "????", the following number 09/774,449 and at line 7, please insert for the "????", the following number 09/785,760

In the Claims

Claims 1 – 32 have been rewritten as follows:

1. (previously presented) A method for reverse logistics, comprising:

offering a right to market used goods, owned by an actual seller, for sale over an internet exchange portal, wherein the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal;

selecting at least one of the virtual sellers;

selling the right to market the used goods to the at least one of the virtual sellers; marketing the used goods over the portal under direction of the at least one virtual seller;

identifying an actual buyer; and

selling the used goods to the actual buyer.

2. (previously presented) The method of claim 1, wherein selling the right to market the used goods further comprises the actual seller and the at least one virtual seller entering into a contract.

3. (previously presented) The method of claim 1, wherein the actual seller, the plurality of virtual sellers, and the actual buyer register with the internet exchange portal.

4. (previously presented) The method of claim 1, wherein:

the at least one virtual seller is a manufacturer of new goods; and

the actual seller is a strategic account customer of the manufacturer.

5. (original) The method of claim 4, wherein the selling a right step further includes the step of:

charging the actual seller a lower price for acquiring the new goods in exchange for marketing the used goods.

6. (original) The method of claim 1, wherein the marketing step includes the steps of categorizing the used goods; and differentiating marketing by category.

7. (original) The method of claim 6, wherein the categorizing step includes the step of: categorizing the used goods by their condition.

8. (previously presented) The method of claim 4, wherein the manufacturer offers new goods at a discount to the actual seller for granting the manufacturer the right to market the used goods.

9. (previously presented) The method of claim 4, wherein the manufacturer grants the actual seller credit for granting the manufacturer the right to market the used goods.

10. (previously presented) The method of claim 4, wherein the manufacturer offers the actual seller a rebate for granting the manufacturer the right to market the used goods.

11. (original) The method of claim 6, wherein the categorizing step includes the step of categorizing the used goods by functionality levels.

12. (original) The method of claim 11, wherein the functionality levels include systems, devices, components, parts, and materials.

13. (original) The method of claim 6, wherein:

the marketing step includes the step of virtually differentiating a portion of the used goods into both a first category and a second category;

the identifying step includes the steps of,

receiving a first offer for the first category from a first actual buyer; and

receiving a second offer for the second category from a second actual buyer,

wherein the second offer is of greater value than the first offer; and

the selling the used goods step includes the step of selling the portion of used goods to the second actual buyer.

14. (original) The method of claim 6, wherein:

the marketing step includes the steps of,

virtually differentiating the used goods into a matrix of categories;

and

simultaneously marketing each of category in the matrix; and

the identifying step includes the step of receiving a set of offers for each of category in the matrix; and

the selling the used goods step includes the step of accepting those offers which maximize value returned to the actual seller for the used goods.

15. (original) The method of claim 6, wherein the marketing step includes the step of: virtually aggregating the used goods from a first actual seller with other used goods from a second actual sellers into a matrix of categories;

the identifying step includes the step of receiving a set of offers for each of category in the matrix; and

the selling the used goods step includes the step of accepting those offers which maximize value returned to the first actual seller.

16. (original) The method of claim 1, further including the steps of

obtaining credit for a predetermined amount of funds from a creditor on behalf of the actual buyer; and

delaying payment of the funds from the creditor to the actual seller until after the actual buyer inspects and approves the used goods.

17 - 24 (previously presented), Cancel

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25. (previously presented), A system for reverse logistics, comprising:

means for offering a right to market used goods, owned by an actual seller, for sale over an internet exchange portal, wherein the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal;

means for selecting at least one of the virtual sellers;

means for selling the right to market the used goods to the at least one of the virtual sellers;

means for marketing the used goods over the portal under direction of the at least one virtual seller;

means for identifying an actual buyer; and

means for selling the used goods to the actual buyer.

26. (previously presented) The system of claim 25, wherein:

the at least one virtual seller is a manufacturer of new goods; and the actual seller is a strategic account customer of the manufacturer.

27. (original) The system of claim 26, wherein the means for selling a right further includes:

means for charging the actual seller a lower price for acquiring the new goods in exchange for marketing the used goods.

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28. (original) The system of claim 25, wherein the means for marketing includes:

means for categorizing the used goods; and

means for differentiating marketing by category.

29. (original) The system of claim 28, wherein:

the means for marketing includes means for virtually differentiating a portion of the used goods into both a first category and a second category;

the means for identifying includes,

means for receiving a first offer for the first category from a first actual buyer; and

means for receiving a second offer for the second category from a second actual buyer,

wherein the second offer is of greater value than the first offer; and

the means for selling the used goods includes means for selling the portion of used goods to the second actual buyer.

30. (original) The system of claim 28, wherein:

the means for marketing includes,

means for virtually differentiating the used goods into a matrix of categories; and

means for simultaneously marketing each of category in the matrix; and
the means for identifying includes means for receiving a set of offers for each of category in the matrix; and

the means for selling the used goods includes means for accepting those offers which maximize value returned to the actual seller for the used goods.

31. (original) The system of claim 28, wherein the means for marketing includes:

means for virtually aggregating the used goods from a first actual seller with other used goods from a second actual sellers into a matrix of categories;

the means for identifying includes means for receiving a set of offers for each of category in the matrix; and

the means for selling the used goods includes means for accepting those offers which maximize value returned to the first actual seller.

32. (original) The system of claim 25, further including:

means for obtaining credit for a predetermined amount of funds from a creditor on behalf of the actual buyer; and

means for delaying payment of the funds from the creditor to the actual seller until after the actual buyer inspects and approves the used goods.

Reasons for Allowance

The invention claimed in the independent claims are distinguished from prior art of record, which contains no teachings or suggestions that would have motivated one of ordinary skill in the art to modify the method and system disclosed by Surplus with the method and system of Woolston to have enabled a method and system for the subject matter recited in independent claims 1 and 25. To begin with, Surplus discloses a method, medium and system for logistics for buying and selling of used equipment but does not disclose or would have suggested to one of ordinary skill a reverse logistics method and system, which includes offering a right to market used goods, owned by an actual seller, for sale over an internet exchange portal, wherein the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal; selecting at least one of the virtual sellers; selling the right to market the used goods to the at least one of the virtual sellers', marketing the used goods over the portal under direction of the at least one virtual seller. Woolston, on the other hand does disclose a method and system for a computer-implemented two tier electronic auction marketplace for used goods, which includes a first tier for retail prices and second tier for wholesale prices and whereby each tier can bid on a single item for transfer of ownership of the single item. However, Woolston does not teach or would have suggested to one of ordinary skill in combination with Surplus a method and system for reverse logistics, comprising: offering a right to market used goods, owned by an actual seller, for sale over an internet exchange portal, wherein the right to market

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the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal; selecting at least one of the virtual sellers; selling the right to market the used goods to the at least one of the virtual sellers', marketing the used goods over the portal under direction of the at least one virtual seller. Moreover, Surplus nor Woolston teach or would have suggested to one of ordinary skill a method, medium and system of offering a right to market used goods over an internet portal to a plurality of different virtual sellers simultaneously as well as selecting one of the virtual sellers and then selling the right to market the used goods. Furthermore, the references do not teach or suggest the "selling of a right to market" the used goods, whereby something of value is provided to the actual seller by a virtual seller in return for being selected. In that regard, the combined teachings of Surplus and Woolston do not teach or suggest to one of ordinary skill that the differences between the subject matter recited in independent claims 1 and 25 and the prior art are such that the subject matter as whole would have been obvious at the time the invention was made to a person having ordinary skill in the art. Therefore, the invention claimed in independent claims 1 and 25 are distinguished from prior art of record by the fact that a method, computer useable medium embodying computer program code and a computer system for reverse logistics, comprising: **offering a right to market used goods, owned by an actual seller, for sale over an internet exchange portal, wherein the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal; selecting at least one of the virtual sellers; selling the right to market the used goods to the at least one of the virtual sellers',**

marketing the used goods over the portal under direction of the at least one virtual seller.

Discussion of the most relevant prior art, which does not fully disclose nor render obvious the invention as stated in claims 1 and 25:

A. US Patents and PG-Pubs.

(i) US 6,266,651 B1 to Woolston discloses a method, medium and system for a computer-implemented two tier electronic auction marketplace for used goods, which includes a first tier for retail prices and second tier for wholesale prices and whereby each tier can bid on a single item for transfer of ownership of the single item. However, Woolston does not disclose or teach a method and system for a reverse logistics method and system, which includes offering a right to market used goods, owned by an actual seller, for sale over an internet exchange portal, wherein the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal; selecting at least one of the virtual sellers; selling the right to market the used goods to the at least one of the virtual sellers', marketing the used goods over the portal under direction of the at least one virtual seller. Moreover, Woolston does not teach or would have suggested to one of ordinary skill a method, medium and system of offering a right to market used goods over an internet portal to a plurality of different virtual sellers simultaneously as well as selecting one of the virtual

sellers and then selling the right to market the used goods. Furthermore, Woolston does not teach or suggest a method, medium or system in which "selling of a right to market" the used goods, whereby something of value is provided to the actual seller by a virtual seller in return for being selected. Thereby, this online method, medium and system disclosed by Woolston fails to anticipate the above bolded unique limitations or render them obvious.

(ii) US 2001/0039497 A1 to Hubbard discloses a method, medium and system and architecture for allowing the monetization of third-party network user bases. The distributed computing system includes a plurality of network connected distributed devices providing computing resources that can be utilized to process customer project tasks. In this way, revenue generated from customer payments for project processing can be shared with the third party in relation to the resources made available to the distributed computing system. For example, an Internet-based free or low cost service provider, such as a provider offering free Internet access, e-mail, file sharing services or any other Internet-based service, can monetize its user base by offering services to its users at least in part in return for an agreement by the users to allow computing resources related to the users to be utilized by the distributed processing system. In addition, Hubbard discloses a method, medium and system for incentive information that may also be tied to the specific vendor of the user's CPU, for example, ABC Company's CPU. Thereby, this upgrade incentive information may be tied to the specific vendor of the user's CPU or to any

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other vendor, if desired. In this manner, a user may be provided an incentive to increase the capabilities of the distributed device, and a vendor may be provided advertising so that the user is also directed to a particular upgrade. However, Hubbard does not disclose a method and system for a reverse logistics method, medium and system, which includes offering a right to market used goods, owned by an actual seller, for sale over an internet exchange portal, wherein the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal; selecting at least one of the virtual sellers; selling the right to market the used goods to the at least one of the virtual sellers', marketing the used goods over the portal under direction of the at least one virtual seller. Moreover, Hubbard does not teach or would have suggested to one of ordinary skill a method, medium and system of offering a right to market used goods over an internet portal to a plurality of different virtual sellers simultaneously as well as selecting one of the virtual sellers and then selling the right to market the used goods. Furthermore, Hubbard does not teach or suggest a method and system in which "selling of a right to market" the used goods, whereby something of value is provided to the actual seller by a virtual seller in return for being selected. Thereby, this online method, medium and system disclosed by Hubbard fails to anticipate the above bolded unique limitations or render them obvious.

(iii) US 6,260,024 B1 to Shkedy discloses a method, medium and system for providing a global bilateral buyer-driven system for creating binding contracts by incorporating

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various methods of communication, commerce and security for the buyers and the sellers. Individual buyers purchase requirements are aggregated into a single collective purchase requirement and sellers are located willing to bid on the collective purchase requirement. A central controller facilitates the buyer/seller transaction by fielding binding offers from buyers, aggregating those offers into group (i.e. pooled) offers and communicating those group offers globally in a format which can be efficiently accessed and analyzed by potential sellers. However, Shkedy does not disclose a method and system for a reverse logistics method, medium and system, which includes offering a right to market used goods, owned by an actual seller, for sale over an internet exchange portal, wherein the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal; selecting at least one of the virtual sellers; selling the right to market the used goods to the at least one of the virtual sellers', marketing the used goods over the portal under direction of the at least one virtual seller. Moreover, Shkedy does not teach or would have suggested to one of ordinary skill a method and system of offering a right to market used goods over an internet portal to a plurality of different virtual sellers simultaneously as well as selecting one of the virtual sellers and then selling the right to market the used goods. Furthermore, Shkedy does not teach or suggest a method or system in which "selling of a right to market" the used goods, whereby something of value is provided to the actual seller by a virtual seller in return for being selected. Thereby, this online method, medium and system disclosed by Shkedy fails to anticipate the above bolded unique limitations or render them obvious.

(iv) US 6,269,343 B1 to Pallakoff et al discloses a method, medium and system, that allows sellers to communicate conditional offers to potential buyers. The conditions include prices that depend on the aggregate amount of goods or services that buyers collectively agree to purchase by a given time and date. Pallakoff facilitates "demand aggregation", that is, aggregating demand by potential buyers (who may or may not know each other), for products offered by sellers. In this manner, Pallakoff allows sellers conveniently to offer "Demand-Based Pricing", that is, prices, which go down as the volume of units, sold in any given offer goes up. A seller can therefor offer volume discounts to buyers acting as a group, even when the buyers may not have any formal relationship with one another. However, Pallakoff does not disclose a method and system for a reverse logistics method, medium and system, which includes offering a right to market used goods, owned by an actual seller, for sale over an internet exchange portal, wherein the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal; selecting at least one of the virtual sellers; selling the right to market the used goods to the at least one of the virtual sellers', marketing the used goods over the portal under direction of the at least one virtual seller. Moreover, Pallakoff does not teach or would have suggested to one of ordinary skill a method and system of offering a right to market used goods over an internet portal to a plurality of different virtual sellers simultaneously as well as selecting one of the virtual sellers and then selling the right to market the used goods. Furthermore, Pallakoff does not teach or suggest a method or system in

which "selling of a right to market" the used goods, whereby something of value is provided to the actual seller by a virtual seller in return for being selected. Thereby, this online method, medium and system disclosed by Pallakoff fails to anticipate the above bolded unique limitations or render them obvious.

B. Non Patent Literature

(v) "Surfing to Spark market for surplus supplies", Susan E Fisher; InfoWorld, Framingham; Mar. 20, 2000 (hereafter referred to as "Surplus") discloses a method, medium and system for logistics over an internet portal for enabling online transactions between buyers and sellers of used goods and whereby ownership is transferred. However, Surplus does not teach or suggest to one of ordinary skill in the art a method or system for reverse logistics, comprising: offering a right to market used goods, owned by an actual seller, for sale over an internet exchange portal, wherein the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal; selecting at least one of the virtual sellers; selling the right to market the used goods to the at least one of the virtual sellers', marketing the used goods over the portal under direction of the at least one virtual seller. Moreover, Surplus does not teach or suggest the "selling of a right to market" the used goods, whereby something of value is provided to the actual seller by a virtual seller in return for being selected. In fact, Surplus teaches only an online portal for buying and selling of used products individually and thereby teaches away from offering a right to market simultaneously to a plurality of virtual sellers as well as "selling of a right to market" the

used goods, whereby something of value is provided to the actual seller by a virtual seller in return for being selected. Thereby, this online method, medium and system disclosed by Surplus fails to anticipate the above bolded unique limitations or render them obvious.

C. Foreign Patent Literature

(vi) JP 020012830042 A to Tanuma discloses a method, medium and system for used products which are not maintained except for limited products such as vehicles in a present distribution market concerning used products. In this computer auction system, auction participants buy and sell products, which are difficult to move and expensive by connecting to a terminal such as a personal computer to a computer site including an auction server. However, Tanuma does not teach or suggest to one of ordinary skill in the art a method or system for reverse logistics, comprising: offering a right to market used goods, owned by an actual seller, for sale over an internet exchange portal, wherein the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal; selecting at least one of the virtual sellers; selling the right to market the used goods to the at least one of the virtual sellers', marketing the used goods over the portal under direction of the at least one virtual seller. Moreover, Tanuma does not teach or suggest the "selling of a right to market" the used goods, whereby something of value is provided to the actual seller by a virtual seller in return for being selected. In fact, Tanuma teaches only an online portal for buying and selling of used products individually and thereby teaches away from

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offering a right to market simultaneously to a plurality of virtual sellers as well as "selling of a right to market" the used goods, whereby something of value is provided to the actual seller by a virtual seller in return for being selected. Thereby, this online method, medium and system disclosed by Tanuma fails to anticipate the above bolded unique limitations or render them obvious.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is (703) 305-8230. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308 – 1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

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Alexandria, Va. 22313-1450


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RER


WYNN W. COGGINS
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